

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:21-cr-00127

RAYMOND DUGAN

ORDER

On October 27, 2022, the court sentenced Defendant Raymond Dugan to a 54-month term of imprisonment, followed by 5 years of supervised release, after he was found guilty of Accessing with Intent to View Child Pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2). [ECF No. 118]. The court also ordered Mr. Dugan to pay a \$100 mandatory special assessment and a \$5,000 special assessment under the Justice for Victims of Trafficking Act. *Id.* The court, however, refrained from imposing restitution at the sentencing hearing because the United States failed to timely provide defense counsel with documentation supporting its proposed restitution amount of \$17,000. [ECF No. 155, at 3:14–4:3]. Instead, I scheduled a restitution hearing for January 12, 2023, and directed the United States to file a restitution memorandum by December 22, 2022, and Mr. Dugan to file a response by January 5, 2023. [ECF No. 118]. I further directed Mr. Dugan to deposit \$17,000 with

the Clerk to hold in trust until I resolved the issue of restitution. [ECF No. 119]. Mr. Dugan deposited the funds on December 30, 2022. [ECF No. 135].

On November 9, 2022, Mr. Dugan appealed his conviction and sentence to the United States Court of Appeals for the Fourth Circuit. [ECF No. 125]. On December 22, 2022, the United States filed its restitution memorandum [ECF No. 133]; however, prior to the response deadline, Mr. Dugan moved the court to continue the restitution hearing and deadline to respond for a period of 30 days. [ECF No. 136]. On January 4, 2023, I granted Mr. Dugan a continuance; however, I indefinitely continued the dates associated with the restitution hearing pending the resolution of this matter on appeal. [ECF No. 137].

On February 17, 2023, the Fourth Circuit remanded this case to this court for the limited purpose of determining restitution. [ECF No. 151]. Before resolving the restitution issue, the court requires a response to the United States' restitution memorandum from Mr. Dugan. Accordingly, Mr. Dugan is **DIRECTED** to file his responsive memorandum within **fourteen (14) days** from the entry of this Order. The court **SCHEDULES** the restitution hearing for **June 14, 2023, at 10:00 a.m.**

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: May 10, 2023